

REMARKS

Claims 1-20 remain pending in the present application. Claims 1, 10 and 16 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kashiwagi, et al. (U.S. Pat. No. 6,182,805). Claims 1, 10 and 16 have been amended to define that the intermediate chamber is in direct communication with both the upper working chamber and the lower working chamber. Thus, the control valve controls damping in both compression and rebound strokes of the damper.

Kashiwagi, et al. in Figure 2 discloses an intermediate chamber which is in communication with upper working chamber 2a through passage 17 but, the intermediate chamber is not in direct communication with the lower working chamber 2b. The intermediate chamber is identified in the specification with reference numeral 16, but the leader line in Figure 2 for reference 16 is incorrect.

Thus, Applicant believes Claims 1, 10 and 16, as amended, patentably distinguish over the art of record. Likewise, Claims 2-9, 11-15 and 17-20, which ultimately depend from one of these independent claims, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claims 1-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Spakowski, et al. (U.S. Pat. No. 5,730,261) or Nezu, et al. (U.S. Pat. No. 6,079,526) or

Beck (U.S. Pat. No. 5,603,392). The above discussion regarding amended Claims 1, 10 and 16 apply to these references also. Spakowski discloses an intermediate chamber 54 that only communicates directly with the upper working chamber 28 through passage 52. Nezu discloses an intermediate chamber 102 that only communicates with upper working chamber 88a through passage 103. Beck discloses an intermediate chamber that only communicates with its upper working chamber.

Thus, Applicant believes Claims 1, 10 and 16, as amended, patentably distinguish over the art of record. Likewise, Claims 2-9, 11-15 and 17-20, which ultimately depend from one of these independent claims, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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